

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
vs.) **Case No. 06-3114-01-CR-S-GAF**
)
DEAN P. PROFFITT,)
)
Defendant.)

ORDER

Now pending before the Court is Defendant's Motion to Dismiss the Indictment (Doc. #124), Motion to Strike Paragraph 20 from the Indictment (Doc. #126), and Motion to Dismiss the Indictment or to Preclude Reading the Indictment or to Strike Paragraphs 2-33 (including part of Paragraph 18), 35, and 36 (Doc. #131).

On September 13, 2007, Chief United States Magistrate Judge James C. England issued his Report and Recommendation. On October 22, 2007, Defendant's Objections to the Report and Recommendation were filed.

Upon careful and independent review of the pending motions and suggestions in support thereof, Defendant's objections to the Magistrate's Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of Chief United States Magistrate Judge James C. England.

Accordingly, it is hereby ORDERED that Defendant's Motion to Dismiss the Indictment (Doc. #124), Motion to Strike Paragraph 20 from the Indictment (Doc. #126), and Motion to Dismiss the Indictment or to Preclude Reading the Indictment or to Strike Paragraphs 2-33 (including part of Paragraph 18), 35, and 36 (Doc. #131), are overruled and denied.

s/ Gary A. Fenner

GARY A. FENNER, JUDGE

UNITED STATES DISTRICT COURT

DATED: October 25, 2007